

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

C.M.A.NO.957 OF 2014

JUDGMENT:

Aggrieved by the order dated 06.12.2013 in RES.No.89 of 2013 in M.A.No.53 of 2013 in O.A.A.No.296 of 2003 on the file of the Railway Claims Tribunal, Secunderabad Bench at Secunderabad, the appellants-applicants filed this appeal under Section 23 of the Railway Claims Tribunal Act, 1987.

2. Heard both sides. Perused the record.

3. The application in RES.No.89 of 2013 is filed before the Tribunal to condone the delay of 2274 days and the Tribunal was pleased to dismiss the said application. Challenging the same, this appeal is filed.

4. Learned counsel for the appellants-applicants would contend that even though there are justifiable grounds to condone the delay, the Tribunal erroneously dismissed the application and hence, prays to allow the appeal.

5. On the other hand, learned counsel for the respondent-Railways would contend that no justifiable cause had been assigned to condone the delay and the Tribunal has rightly dismissed the application.

6. In view of the circumstances, the point for determination is whether the impugned order dated 06.12.2013 passed in RES.No.89 of 2013 in M.A.No.53 of 2013 is liable to be set aside.

7. The subject application was filed before the Tribunal to condone the delay of 2274 days in filing of the petition for restoration of O.A.A.No.296 of 2003 which was dismissed for

default on 28.12.2006. Further, the subject accident is said to have taken place on 29.03.2003. The original application for compensation was filed with a delay of 2190 days. It was dismissed for default on 28.12.2006. Restoration application is filed with a delay of 2274 days. More than fifteen years have elapsed from the date of alleged accident. The present appeal is filed on the ground that their lawyer did not inform the applicants with regard to the dismissal order passed on 28.12.2006.

8. When the application is filed, it is for the applicants to pursue the matter and find out the happenings periodically. The appellants-applicants are negligent in prosecuting the application. There is no justifiable cause to allow the application to condone the enormous delay of 2274 days. The Tribunal has analyzed the material on record and rightly dismissed the application. Hence, there are no merits in the appeal.

9. The appeal is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(DR. SHAMEEM AKTHER, J)

5th November 2018
RRB